

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:08CR134-RJC-DSC-17**

UNITED STATES OF AMERICA)	
)	
v.)	<u>O R D E R</u>
)	
MICHAEL STEVEN MENA, a/k/a "Cholo",)	
)	
Defendant.)	

THIS MATTER is before the Court on receipt of a Report dated June 15, 2009 from the Federal Bureau of Prisons Metropolitan Correctional Center in New York, New York regarding Defendant's competency to stand trial. The Court conducted a hearing on August 5, 2009 following receipt of the Report.

During the hearing regarding the Report, counsel for Defendant (Steven Meier) expressed concerns about the Report and specifically his ability to communicate with Defendant and Defendant's understanding of such communications. Counsel for the Government (Kevin Zolot) suggested that the Court defer ruling on Defendant's competency and allow Defendant to seek his own expert to conduct a separate competency evaluation. Counsel for Defendant indicated he had already consulted with a psychologist and would file a motion with the Court requesting a separate competency evaluation.

NOW THEREFORE, IT IS ORDERED:

1. The Court will defer ruling on Defendant's competency to stand trial pending Defendant's Motion for a separate competency evaluation by his own expert.
2. The Clerk is directed to send copies of this Order to counsel for the parties; and to

the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: August 5, 2009



David S. Cayer
United States Magistrate Judge

